

**Anthony Drago**

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**From:** Anthony Drago  
**Sent:** Tuesday, February 15, 2022 11:06 AM  
**To:** Samson, Phil (USAMA); Sady, Michael (USAMA)  
**Subject:** Rabinovych v. Mayorkas, et al. No. 21-11785-AK

Hello Phil and Michael – I hope you are both well. Quick follow up on my call with Phil this morning about the Rabinovych case. As I indicated to Phil it does appear that we are going to have to brief the legal issues in the case and let the court decide the case which is fine. In terms of extending the time for the government to respond to the complaint, presumably with a motion to dismiss, my clients and I are fine with a 90 day extension, but in order to agree to that we need USCIS to agree in writing that it will not take any action on either of my clients' pending applications for political asylum until such time as the case is finally decided by the Judge. The reason for this is if USCIS takes "action" on the asylum applications that may completely undermine my legal argument, at least based on one case, *Matter of L-K*, which is cited in paragraph 25 of the Complaint. Should the Plaintiff's prevail in the litigation, the asylum case can be dismissed or otherwise closed. If however, the defendants prevail, my clients plan to pursue the asylum application and any other possible avenue to residence which they are entitled to do.

Please let me know if the above terms work for you so we can put together a quick agreement to file with the court. If USCIS does not agree to keep the status quo on the asylum applications while we litigate the issues I cannot agree to the 90 day extension and will have to seek preliminary relief to prevent the agency from attempting to undermine the Plaintiffs' claim. Thank you for your consideration.

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**WE MOVED! Effective February 1, 2021, our office is now located at 88 Broad Street, 5<sup>th</sup> Floor, Boston, MA 02110. All other contact information remains the same.**